

# ALLIANCE FOR HEALTHY HOMES

*Protecting Children from Lead and Other Environmental Health Hazards*



## **Housing Code Enforcement Notice of Violation Attachment for Pre-1978 Rental Property**

**ATTENTION:** Most houses and apartments built before 1978 contain lead-based paint. Deteriorating lead-based paint and lead-contaminated dust can pose serious health hazards, especially for children. Lead-contaminated dust can be created during painting, repairs, and remodeling if safeguards are not taken to control, contain, and clean up lead dust. In addition to maintaining your property to make sure paint is not peeling, flaking, or chipping, you should follow lead-safe work practices (LSWP) when doing any work that disturbs paint. (Federally assisted housing may be subject to additional requirements.) Furthermore, as an owner of pre-1978 rental property, you are required to comply with federal lead hazard disclosure requirements.

### **1. Lead-Safe Work Practices**

If basic safeguards are not followed, work that disturbs painted surfaces in pre-1978 buildings can create significant lead dust hazards. To prevent lead hazards during work, you should:

- **Isolate the work area.** Seal off the work area with heavy plastic sheets.
- **Keep dust off household furniture and items.** Remove furniture and all other belongings/property from the work area or cover with plastic sheets. Cover the floor or soil beneath the work area with heavy plastic sheets. Landscaping fabric can be used on top of soil.
- **Protect occupants.** Keep children and pregnant women out of the work area.
- **Mist painted surfaces before scraping and sanding.** Wetting surfaces helps reduce the spread of dust.
- **Do not use tools that create substantial dust and paint chips.** Avoid using power tools (sanders and grinders) unless they have a HEPA vacuum attachment and a shroud to trap dust. Do not use power washing at high power or abrasive blasting on painted surfaces.
- **Beware of toxic hazards when removing old paint.** Do not use open flame torches or heat guns above 1100° F. High heat creates poisonous fumes. Never use paint strippers that contain methylene chloride.
- **Clean up the area after the job.** Roll or fold plastic sheets inward to keep debris and dust from spreading. Vacuum all floors and other surfaces where dust might have set-

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bled. Vacuums equipped with a HEPA filter work best. Scrub floors and walls with an all-purpose detergent. Rinse well with clean water. Clean up paint chips that may have fallen on soil. Dispose of trash in heavy plastic bags.

- **Protect workers.** Workers should wear protective clothing, including a NIOSH-approved respirator to control lead exposure. Before leaving the work area, workers should clean or remove their shoes to avoid tracking lead dust to the rest of the property or to their own homes. Work clothes should be removed as soon as possible and washed separately. Workers should wash their faces, hands, and hair to be sure they are free of dust.
- **Train workers.** HUD and EPA have issued a new, updated training course, “Lead Safety for Remodeling, Repair and Painting,” which provides hands-on, step-by-step instruction on lead-safe work practices. This 6½-hour course makes it possible to learn the information in less than a day or as few as two evenings. Free training courses in lead-safe work practices are now available in many cities.

For additional information on lead-safe work practices, please see the *Lead Paint Safety Field Guide for Painting, Home Maintenance, and Renovation Work* at <http://www.epa.gov/opptintr/lead/leadsafetybk.pdf>.

## 2. Clearance Testing

After cleanup is finished, a lead dust test is the only way to be sure that lead hazards are not left behind. You can hire a certified lead inspector, risk assessor, or sampling technician to conduct clearance testing. Clearance testing involves documenting that there is no peeling or flaking paint in the work area and that dust lead is below federal hazard standards through dust wipe testing.

## 3. Federal Lead Hazard Disclosure Requirements

The federal Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d, requires sellers and landlords of most residential housing built before 1978 to disclose all available records and reports concerning lead-based paint and/or lead-based paint hazards to purchasers and tenants at the time of sale or lease or upon lease renewal. This disclosure must occur even if hazard reduction or abatement has been completed. In addition, sellers and landlords must furnish a lead warning statement and a copy of the brochure “Protect Your Family from Lead in Your Home.” Failure to disclose is a violation of the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency regulations at 24 CFR Part 35 and 40 CFR Part 745 and can result in a fine of up to \$11,000 per violation. To find out more information about your obligations under federal lead-based paint requirements, call 1-800-424-LEAD.